

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MICHAEL ALFRED JOHNSON,

Case No. 23-CV-0100 (PAM/JFD)

Plaintiff,

v.

**REPORT AND RECOMMENDATION**

OFFICE OF THE HENNEPIN COUNTY  
PUBLIC DEFENDER,

Defendant.

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On February 14, 2023, this Court entered an order requiring Plaintiff Michael Alfred Johnson to pay an initial partial filing fee of at least \$31.13 if he wanted this matter to proceed. (Order at 4, Dkt. No. 8.) The Court gave Mr. Johnson 21 days—that is, until March 7, 2023—to pay, failing which the Court would recommend dismissing this action without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute. That deadline has now passed, and Mr. Johnson has not paid the required fee. Accordingly, this Court now recommends dismissing this action. *See, e.g., Henderson v. Renaissance Grand Hotel*, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

## RECOMMENDATION

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: March 23, 2023

s/ John F. Docherty  
JOHN F. DOCHERTY  
United States Magistrate Judge

## NOTICE

**Filing Objections:** This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).